

SB 27 Mengden

DIGEST: This bill changes the name of the Texas Prosecutors Coordinating Council to the Prosecutor Council, changes the council's composition, and adds a new duty to its functions. It also changes the procedures for suspension or removal of a prosecuting attorney, provides for the appointment of a prosecuting attorney pro tempore, and authorizes the Legislature to appropriate funds from the Criminal Justice Planning Fund to the council.

REASONS FOR VETO: The veto does not imply that the Governor disapproved of the council and their work. The council was to be funded out of the Criminal Justice Planning Fund. Grants from this fund have traditionally been the prerogative of the Criminal Justice Council, which is appointed by the Governor. The Governor objected to the discretion of the Criminal Justice Council "being taken away a piece at a time."

REACTION: The veto made the Senator "mad." The Governor just didn't understand the bill. He signed a number of other bills letting the Legislature appropriate money out of the Criminal Justice Planning Fund. If he didn't like that particular section, he could have just vetoed the appropriation. Or, the problem could have been cleared up with a phone call and a promise to change that part of the bill later. The Governor's office didn't call Senator Mengden at any time to say there was a problem with the bill. The Governor then didn't have the courtesy to let him know the bill had been vetoed. The whole matter was handled very poorly.

SB 124 Doggett

DIGEST: This bill says that no state agency or political subdivision of the state may establish a maximum age under 70 or a minimum age over 18 for employment. The bill removes the exemptions for institutions of higher education and qualifies the exemption for law enforcement officials and firefighters, giving department heads authority to adopt uniform maximum and minimum ages. The bill, as amended in the House, says that a retired judge who continues as a judicial officer may not appear as an attorney in court while the judge is receiving retirement pay.

REASONS FOR VETO: The bill would allow a retired district judge to receive retirement pay one year and practice law the next by opting in and out of retirement. A person would have an unfair advantage in practicing before a bench he or she may have vacated only a few years before.

REACTION: This veto was a mistake. The House amendment relating to district judges, which was the reason for the Governor's veto, was actually removed in conference committee (Senate Journal, p.2049). The deletion was not recorded on the final copy of the bill which went to the Governor, however. The Governor has said that he would not object to similar